

**EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
Board of Corrections**

**REGARDING PROPOSED CHANGES TO
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, 13-102
AND PART 2, SECTION 470A**

Express Terms

There were no modifications made to the text of the regulations originally proposed to the public during the 45-day public comment period.

Part 1

13-102. Minimum Standards for Local Detention Facilities.

(a) Definitions. The following definitions shall apply:

1. "Administering medication," as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.
2. "Administrative segregation" means the physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of Title 15, C.C.R. Administrative segregation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.
3. "Alternate means of compliance" means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Board of Corrections pursuant to an application.
4. "Average daily population" means the average number of inmates housed daily during the last fiscal year.
5. "Board of Corrections" means the State Board of Corrections, which board acts by and through its Executive Director, Deputy Directors, and Field Representatives.
6. "Contact" means communications, whether verbal or visual, or immediate physical presence.
7. "Court holding facility" means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of court appearance for a period not to exceed 12 hours.
8. "Custodial personnel" means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose primary duties are the supervision of inmates.
9. "Delivering medication," as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

10. "Developmentally disabled" means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.
11. "Direct visual observation" means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.
12. "Disciplinary isolation" means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit separate from regular jail inmates.
13. "Dispensing," as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist, or other prescriber authorized by law.
14. "Disposal," as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.
15. "Emergency" means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.
16. "Emergency medical situations" means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.
17. "Exercise" means activity that requires physical exertion of the large muscle group.
18. "Facility/system administrator" means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility/system.
19. "Facility manager" means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.
20. "Health authority" means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.
21. "Health care" means medical, mental health and dental services.
22. "Inmate worker," as used in Articles 8 and 9, means an adult in a jail or lockup assigned to perform designated tasks outside of his/her cell or dormitory, for any length of time.
23. "Jail," as used in Article 8, means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."
24. "Labeling," as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

25. "Law enforcement facility" means a building that contains a Type I Jail or Temporary Holding Facility. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

26. "Legend drugs" are any drugs defined as "dangerous drugs" under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, "Caution Federal Law Prohibits Dispensing Without a Prescription." The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

27. "Licensed health personnel" includes, but is not limited to, the following classifications of personnel: physician/psychiatrist, dentist, pharmacist, physician's assistant, registered nurse/nurse practitioner/public health nurse, licensed vocational nurse and psychiatric technician.

28. "Living areas" means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

29. "Local detention facility" means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

30. "Local detention system" means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof, whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in other statute.

31. "Local Health Officer" means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

32. "Lockup" means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work.

33. "Managerial custodial personnel" means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

34. "Mental Health Director," means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

35. "Non-secure custody" means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

36. "Non-sentenced inmate," means an inmate with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

37. "Over-the-counter (OTC) Drugs," as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

38. "People with disabilities" includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such

impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.

39. "Pilot Project" means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Board of Corrections.
40. "Procurement," as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.
41. "Psychotropic medication" means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.
42. "Rated capacity" means the number of inmate occupants for which a facility's single- and double-occupancy cells, or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained in Title 15 and Title 24.
43. "Regional Center for Developmentally Disabled" means those private agencies throughout the state, funded through the Department of Developmental Services which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.
44. "Remodel" means to alter the facility structure by adding, deleting, or moving any of the buildings' components thereby affecting any of the spaces specified in Title 24, Section 470A.
45. "Repackaging," as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturers' container to another properly labeled container.
46. "Repair" means to restore to original condition or replace with like-in-kind.
47. "Safety checks" means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.
48. "Secure detention" means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or physically secured to a cuffing rail or other stationary object.
49. "Security glazing" means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.
50. "Sentenced inmate," means an inmate that is sentenced on all local charges.
51. "Shall" is mandatory; "may" is permissive.
52. "Sobering cell" as referenced in Section 1056, refers to an initial "sobering up" place for arrestees who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.
53. "Storage," as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.
54. "Supervision in a law enforcement facility" means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

55. "Supervisory custodial personnel" means those staff members whose duties include direct supervision of custodial personnel.
56. "Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.
57. "Temporary Holding facility" means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.
58. "Type I facility" means a local detention facility used for the detention of persons, for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.
59. "Type II facility" means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.
60. "Type III facility" means a local detention facility used only for the detention of convicted and sentenced persons.
61. "Type IV facility" means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

(c) Initial Planning for a Local Detention Facility

1. Letter of Intent.

A city, county, city and county, or any combination thereof which has an intent to build or remodel any local detention facility shall immediately file a letter of intent with the Board of Corrections.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

3. Operational Program Statement.

Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board of Corrections for the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-102(c) 5 of these regulations and must include a description of the following:

- A. Intended capacity of facility.
- B. Security and classification of inmates to be housed.
- C. Inmate movement within the facility and entry and exit from security areas.
- D. Food preparation and serving.
- E. Staffing.
- F. Booking.
- G. Visiting and attorney interviews.
- H. Exercise.
- I. Programs.
- J. Medical services, including the management of communicable diseases.
- K. Cleaning and/or laundering.

- L. Inmate segregation as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, CCR.
- M. Court holding and inmate movement.
- N. Mental health services.
- O. Facilities for jail administration and operations staff.
- P. Staff to staff communications system.
- Q. Management of disruptive inmates.
- R. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access, and for evacuation during emergencies.
- S. Architectural treatment of space relative to preventing suicides by inmates.
- T. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
- U. Intended type of facility.
- V. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to segregate.
- W. Safety cell(s) as referenced by Title 15, Section 1055.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

6. Design Requirements.

- A. . . .
- B. . . .
- C. The design of a court holding or temporary holding facility must include and comply with the following subsections of Section 13-102(c)6B: (1), (2), (3), (5), (6), (7), (9), (10), and (13). Court holding facilities shall have separate paths of travel for inmates from those used by the public.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

. . . (Section unchanged except as noted above)

7. Pilot Projects.

- A.
- B.
- C.
- D.
- E.

The pilot project is the short-term method used by a local detention facility/system, approved by the Board of Corrections, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board of Corrections may, upon application of a city, county or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- (a) The regulations which the pilot project will affect.
- (b) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (c) The applicant's history of compliance or non-compliance with standards.
- (d) A summary of the "totality of conditions" in the facility or facilities, including but limited to:
 - (1) program activities, exercise, and recreation;
 - (2) adequacy of supervision;

- (3) types of inmates affected; and,
- (4) inmate classification procedures.
- (e) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- (f) The projected costs of the pilot project and projected cost savings to the city, county, city and county, if any.
- (g) A plan for developing and implementing the pilot project including a time line where appropriate.
- (h) A statement of how the overall goal of providing safety to staff and inmates will be achieved.

The Board of Corrections shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board of Corrections members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of the regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Board of Corrections, the Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board of Corrections shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board of Corrections may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 13-102(c)8 of these regulations.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

8. Alternate Means of Compliance.

The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Board of Corrections, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The Board of Corrections may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated (as defined in Section 13-102(c)7). The city, county, or city and county must present the completed application to the Board of Corrections no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- (a) review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (b) The applicant's history of compliance or non-compliance with standards.

- (c) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of inmates affected; and,
 - (4) inmate classification procedures.
- (d) A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- (e) The projected costs of the alternative and projected cost savings to the city, county, city and county if any.
- (f) A plan for developing and implementing the alternative including a time line where appropriate.
- (g) A statement of how the overall goal of providing safety to staff and inmates was achieved during the pilot project evaluation phase (Section 13-102(c)7).

The Board of Corrections shall consider applications for alternative means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board of Corrections members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Board of Corrections, the Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Board of Corrections may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, with 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board of Corrections may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, city and county may continue to operate under this status as long as they meet the terms of this regulation.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Part 2

470A.1 Definitions.

BOARD OF CORRECTIONS means the State Board of Corrections, which board acts by and through its executive officer, deputy directors and field representatives.

RATED CAPACITY means the number of inmate occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

. . . (Section unchanged except as noted above)

470A.2.8 Dormitories.

Dormitories shall:

1. *Contain a minimum of 50 square feet of floor area per single-bed unit; a minimum of 70 square feet per double-bed unit; and a minimum of 90 square feet per triple bed unit and have a minimum ceiling height of 8 feet;*
2. *Be designed for no more than 64 inmates and no fewer than 4 inmates;*
3. *Provide access to toilets separate from the wash basin and drinking fountains as specified in Section 470A.3; and,*
4. *In other than Type I facilities, provide secure storage of personal items and clothing for each occupant.*

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

470A.2.22 Audio monitoring system.

In court holding, temporary holding, Type I, Type II, and Type III facilities there shall be an inmate- or sound-actuated audio monitoring system which is capable of alerting personnel stationed in a central control point.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.